

REMARKS

In response to the Restriction Requirement dated May 19, 2006, Applicants have elected with traverse, Group II, claim 2 and the polypeptide species SEQ ID NO: 307 for examination at this time.

Applicants respectfully traverse the Examiner's objection to claims 9-13 and 17 as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. Applicants respectfully note that "A Markush-type claim recites alternatives in a format such as "selected from the group consisting of A, B and C" (emphasis added) (MPEP 803.02). As such, Applicants submit that claims 9-13 and 17 do in fact refer to other claims in the alternative. Applicants respectfully request that the Examiner include claim 11 in Group II claims for examination at this time.


Applicants have amended claims 2 and 11 solely to remove recitation of non-elected subject matter. Non-elected claims 1, 3-10, and 12-17 have been canceled. No new matter has been added. The above amendments are not to be construed as acquiescence with regard to the Examiner's rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application. Following the amendments, claims 2 and 11 are pending and read on the elected subject matter. Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and remarks.

Applicants respectfully submit that all of the claims remaining in the application are now believed to be in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

Application No. 10/717,296  
Reply to Restriction Requirement dated May 19, 2006

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC



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